

REMARKS

In response to the Office Action dated August 24, 2004, claims 22-23, 26-30, 32, and 42-43 are amended; as a result, claims 22-33 and 35-43 are now pending in this application.

§112 Rejection of the Claims

Claims 22-32, 42 and 43 were rejected under 35 USC § 112, first paragraph, as failing to comply with the enablement requirement. Claims 22-23, 26-30, 32, and 42-43 are amended. Support for the amendments is found generally within the specification. For example, see page 10 lines 8-21. Applicant respectfully submits that claims 22-32, 42 and 43 are in compliance under 35 USC § 112, first paragraph, and respectfully requests reconsideration and allowance of claims 22-32, 42 and 43.

§102 Rejection of the Claims

Claims 22, 24, 26, 42 and 43 were rejected under 35 USC § 102(e) as being anticipated Er et al. (U.S. Patent No. 5,974,341, “Er”). Applicant respectfully traverses the rejection.

Applicant does not admit that Er is prior art and reserves the right to swear behind Er at a later date. Nevertheless, Applicant believes that the present application is distinguishable from Er at least for the reasons stated below.

Applicant can not find in Er, among other things,

storing a parameter log in the implantable pulse generator; detecting an error in a change in the first state of the at least one programmable parameter to a second state; and storing in the parameter log the first state of the at least one programmable parameters changed in error to the second state,

as presently recited or incorporated in claims 22, 24, 26. Neither is Applicant able to find means for performing the method as presently recited or incorporated in claims 42 and 43. Applicant respectfully requests reconsideration and allowance of claims 22, 24, 26, 42 and 43.

§103 Rejection of the Claims

Claims 23 and 26-32 were rejected under 35 USC § 103(a) as being unpatentable over Er et al. (U.S. Patent No. 5,974,341). Applicant respectfully traverses the rejection.

Claims 23, and 26-32 ultimately depend on claim 22 and are believed to be allowable at least for the reasons stated previously for that claim.

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE

Serial Number: 10/010,845

Filing Date: November 13, 2001

Title: CHANGE LOG FOR IMPLANTABLE MEDICAL DEVICE

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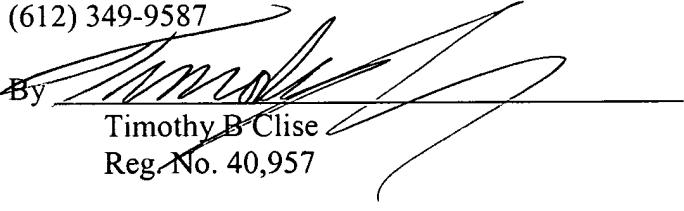
Dkt: 279.196US2

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612) 349-9587 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,
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Date 24 Nov '04

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 24 day of November, 2004.

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